REMARKS

The claims have not been amended. The specification has been amended to correct certain informalities. Accordingly, claims 1-32 are currently pending in the application, of which claims 1 and 12 are independent claims. Applicants appreciate the indication that claims 9-10, 15, 18, and 22-31 contain allowable subject matter.

Applicants respectfully submit that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Figures 6 and 8.

In view of the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Claim Objection

In the Office Action, claims 9-10, 15, 18, and 22-31 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-10, 15, 18, and 22-31 have not been amended because Applicants respectfully submit that they depend from allowable base claims and are allowable at least for this reason.

Rejection of Claims under Double Patenting

Claims 1-32 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U. S. Patent No. 6,876,001 issued to Koo, *et al.* ("Koo"). Applicants respectfully traverse this rejection for at least the following reasons.

The examiner asserts that claims 1-32 of the present application are not identical, but are not patentably distinct over claims 1-23 of Koo because the present application's claims are

"broader" than Koo's claims. See Office Action, page 2. Applicants respectfully assert that the examiner's position fails to establish a prima facie case of obviousness as required under the MPEP.

Chapter 804.II.B.1 of the MPEP states the requirements of an obviousness-type double patenting rejection. Specifically:

> "Any obviousness-type double patenting rejection should make clear:
> (A) The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and
> (B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue would have been an obvious variation of the invention defined in a claim in the patent." (emphasis added)

First, Applicants respectfully assert that the examiner's conclusionary description of the present application's claims – that they are "broader" than Koo's claims - fails to sufficiently describe the differences between the current application's claims and Koo's claims.

Moreover, the differences between the current application's claims and Koo's claims are significant. Claim 1 recites, *inter alia*, a flat panel display, comprising:

> driving thin film transistors, wherein each thin film transistor has a semiconductor active layer with a channel region…, wherein the channel regions of the semiconductor active layer in at least two sub-pixels are arranged in different directions.

Read carefully, this limitation includes many features. First, the "channel regions … in at least two sub-pixels are arranged in different directions." Further, the "channel regions [are] of the semiconductor active layer in at least two sub-pixels." Additionally, "each thin film transistor has a semiconductor active layer." Finally, thin film transistors are claimed to be "driving thin film transistors." Thus, according to claim 1, "the channel regions" refers to channel regions in the recited driving thin film transistors.

Koo's claims, to the contrary, focus on the "average size" or "shape" of the crystal grains in a switching thin film transistor's channel area and the crystal grains in a driving thin film transistor's channel area. See, e.g., Koo, claims 1 and 9. Only a single driving TFT is recited in these claims; Koo's claims do not recite a second driving TFT. Thus, there is no means by which directions of channel regions in two driving TFTs can be compared.

Second, the examiner has failed to indicate why the current application's claims would be an obvious variation of Koo's claims. Rather, the examiner has simply cited to case law stating that the "omission of an element and its function where not needed is obvious." Office Action, page 2 (citing to Ex Parte Rainu, 168 USPQ 375 (Bd. App. 1969)). However, the examiner does not even identify the element that is apparently omitted from the present invention's claims. Thus, there are insufficient facts to support application of this legal principle to the examiner's rejection, much less to rely upon this legal principle as one of two elements of the prima facie case of obviousness.

Accordingly, because the examiner has failed to present the minimum evidence required to support an obviousness-type double patenting rejection, Applicants respectfully request withdrawal of the double patenting rejection of claims 1-32.

Rejections Under 35 U.S.C. § 102

Claims 1-8, 11-14, 16-17, 19-21, and 32 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Koo. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants assert that Koo is an improper reference upon which a rejection under § 102(e) may be based. Koo has a § 102(e) date based upon the filing date of the United States application: November 19, 2003. See MPEP 706.02 and 706.02(b). The pending Application properly claims priority to and the benefit of Korean Application No. 2003-0014001, filed on

March 6, 2003, and thus establishes a date of invention that is earlier than Koo's § 102(e) date. Because Koo was filed after the date of invention for this Application, Koo is not a proper reference upon which a § 102(e) rejection may be based.

In accordance with 37 CFR § 1.55(a)(1), Applicants have timely claimed priority to this foreign application by filing a CLAIM FOR PRIORITY UNDER 35 U.S.C. § 119 IN UTILITY APPLICATION on December 3, 2003, the date of the original filing of the present application. For the purposes of disqualifying Koo as a valid reference for the purpose of the present 35 U.S.C. § 102(e) rejection, Applicants now timely submit a certified English translation of the foreign application priority document. Accordingly, Applicants respectfully submit that Koo has properly been disqualified as a reference.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1 and 12. Claims 2-11 and 13-32 depend from claims 1 and 12, respectively, and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 12, and all the claims that depend therefrom, are allowable.

Allowable Subject Matter

Applicants appreciate the indication that claims 9-10, 15, 18, and 22-31 contain allowable subject matter. Claims 9-10, 15, 18, and 22-31 have not been amended because Applicants respectfully submit that they depend from allowable base claims and are allowable at least for this reason.

Accordingly, Applicants submit that claims 9-10, 15, 18, and 22-31 are in condition for allowance.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

/hae-chan park/

Hae-Chan Park
Reg. No. 50,114

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CUSTOMER NUMBER: 58027
H.C. Park & Associates, PLC
8500 Leesburg Pike
Suite 7500
Vienna, VA 22182
Tel: 703-288-5105
Fax: 703-288-5139
HCP/WMH/kbs